

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN TURNER,

2:14-cv-00384-GMN-VCF

Plaintiff,

ORDER

vs.

SOUTHERN DESERT
CORRECTIONAL CENTER, *et al.*,

Defendants.

This closed prisoner civil rights action comes before the Court on plaintiff's motions (ECF Nos. 12 & 13) to waive the appellate filing fee.

The Court denies the motions for four reasons.

First, plaintiff is seeking relief from an August 5, 2014, directive of the Court of Appeals. The district court does not have authority to override a directive of the appellate court.

Second, this Court already has certified to the Court of Appeals that plaintiff's appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3). Such a finding by the district court precludes a litigant from proceeding *in forma pauperis* on appeal. As outlined in the Court's prior order, the appeal is untimely and also would be dismissed in the case of a non-indigent litigant for want of merit. Nothing in plaintiff's conclusory motions leads to a contrary conclusion.

Third, pauper status previously was denied herein without prejudice to a new application in a new action because plaintiff did not provide proper financial materials.

Fourth, the Court of Appeals further now has dismissed the appeal.

To the extent that plaintiff seeks relief in the motions in more than one action, he may not do so. None of plaintiff's current actions are consolidated, and plaintiff therefore can seek relief in an action only by filing a motion captioned only for that action in that action.

1 Plaintiff may not seek relief in multiple actions merely by including multiple docket
2 numbers in a single filing.

3 **IT THEREFORE IS ORDERED** that plaintiff's motions (ECF Nos. 12 & 13) to
4 waive the appellate filing fee are **DENIED**, subject to any orders of the Court of Appeals.

5 The Clerk of Court shall send a notice of electronic filing as to this order to the Court
6 of Appeals in a manner consistent with the Clerk's current practice for same.

7 **DATED** this 25th day of August, 2014.

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12 Gloria M. Navarro, Chief Judge
13 United States District Court
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